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5 SECURITIES AND EXCHANGE
6 COMMISSION,

7 Plaintiff,

8 v.

9 SASAN SABRDARAN, et al.,

10 Defendants.

11 Case No. [14-cv-04825-JSC](#)

12 **ORDER RE: SEVERANCE**

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14 In this action, Plaintiff Securities and Exchange Commission alleges that Defendants Sasan
15 Sabrdaran and Farhang Afsarpour have violated various provisions of the Securities Exchange
16 Act. (Dkt. No. 1.) Plaintiff and Sabrdaran each filed a consent to proceed before the undersigned
17 magistrate judge and have appeared in this case. (Dkt. Nos. 11, 12.) Sabrdaran has filed motions
18 to dismiss and strike portions of the complaint. (Dkt. Nos. 21, 22.) Afsarpour, however, has not
19 yet been served, filed an answer or other response to the complaint, or appeared in this action, and
20 therefore has not yet consented to proceed before a magistrate judge. The Court cannot decide one
21 defendant's motion to dismiss where, as here, another defendant has not yet appeared or consented
22 to the jurisdiction of a magistrate judge. *See* 28 U.S.C. § 636(b). The Court can, however,
23 proceed over Plaintiff's claims against Sabrdaran, including decision on the pending motions, if
24 the appearing parties agree to sever Plaintiff's claims against Afsarpour.

25 Accordingly, if both appearing parties wish to sever Plaintiff's claims against Afsarpour
26 from Plaintiff's claims against Sabrdaran, then they shall file by February 2, 2015 a stipulation to
27 sever the case against Afsarpour. If both parties do not agree to severance, then by that same date
28 they shall jointly file a letter informing the Court that it should reassign the action. In light of this

1 order, the Case Management Conference previously set for January 29, 2015 is continued to
2 February 26, 2015 at 9:00 a.m.

3 **IT IS SO ORDERED.**

4 Dated: January 26, 2015

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6 JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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United States District Court
Northern District of California